PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 26, 2013

Produced daily by the State of Iowa during the sessions of the General Assembly. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives Des Moines, Iowa, Tuesday, March 26, 2013

The House met pursuant to adjournment at 8:31 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cub Scout Pack 50 of Des Moines. They were the guests of Representatives Murphy of Dubuque and Oldson of Polk.

The Journal of Monday, March 25, 2013, was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2013, passed the following bill in which the concurrence of the Senate was asked:

House File 486, a bill for an act relating to persons offering orthotic, prosthetic, and pedorthic services to the public, and relating to the scope of orthotic, prosthetic, and pedorthic services which may be ordered by certain health care providers, and including transition provisions.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

Senate File 296, a bill for an act relating to integrated care models for the delivery of health care, including but not limited to required utilization of a medical home by individuals currently and newly eligible for coverage under the Medicaid program and including effective date provisions.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 310</u>, a bill for an act relating to the corn promotion board by providing for its governance, providing for an assessed checkoff on corn, and including effective date provisions.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 354</u>, a bill for an act relating to public cafeterias concerning local purchasing preferences and the American heart association's dietary guidelines.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act concerning title to real estate.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 393</u>, a bill for an act relating to prenatal care including required critical congenital heart disease screening for newborns as part of the state's newborn screening panel.

Also: That the Senate has on March 25, 2013, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 416</u>, a bill for an act relating to authorization procedures for certain county projects involving real property.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 358, by committee on Judiciary, a bill for an act concerning title to real estate.

Read first time and referred to committee on Judiciary.

Senate File 393, by committee on Human Resources, a bill for an act relating to prenatal care including required critical congenital heart disease screening for newborns as part of the state's newborn screening panel.

Read first time and referred to committee on Human Resources.

<u>Senate File 416</u>, by committee on Judiciary, a bill for an act relating to authorization procedures for certain county projects involving real property.

Read first time and referred to committee on Judiciary.

Senate File 427, by committee on State Government, a bill for an act relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals, including transition provisions, including effective date provisions, and making penalties applicable.

Read a first time and passed on file.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 8:35 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:04 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 2013, passed the following bill in which the concurrence of the Senate was asked:

House File 307, a bill for an act establishing the department of homeland security and emergency management.

Also: That the Senate has on March 26, 2013, passed the following bill in which the concurrence of the Senate was asked:

<u>House File 591</u>, a bill for an act relating to estates and trusts and including retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 612, by Heartsill, Shaw, Salmon, Sheets, Fisher, Schultz, Brandenburg, Alons, and Watts, a bill for an act creating the penalty of death for the commission of murder in the first degree, and the commission of either kidnapping in the first degree or sexual abuse in the first degree, or both, against the same minor who was murdered, providing a penalty, and including effective date provisions.

Read first time and referred to committee on Judiciary.

SENATE MESSAGES CONSIDERED

Senate File 310, by committee on Agriculture, a bill for an act relating to the corn promotion board by providing for its governance, providing for an assessed checkoff on corn, and including effective date provisions.

Read first time and referred to committee on Agriculture.

<u>Senate File 354</u>, by committee on State Government, a bill for an act relating to public cafeterias concerning local purchasing preferences and the American heart association's dietary guidelines.

Read first time and referred to committee on State Government.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session at 2:50 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 392, a bill for an act relating to programs and services under the purview of the department of public health, was taken up for consideration.

SENATE FILE 202 SUBSTITUTED FOR HOUSE FILE 392

Bacon of Story asked and received unanimous consent to substitute Senate File 202 for House File 392.

The Speaker placed the following amendments to <u>House File 392</u> out of order:

H-1093 filed by Fry of Clarke on March 14, 2013.

H-1115 filed by Lundby of Linn on March 14, 2013.

H-1129 filed by Fry of Clarke on March 18, 2013.

<u>Senate File 202</u>, a bill for an act relating to programs and services under the purview of the department of public health, was taken up for consideration.

Lundby of Linn asked and received unanimous consent to withdraw amendment <u>H–1177</u> filed by him on March 19, 2013.

Fry of Clarke offered amendment $\underline{\text{H-}1209}$ filed by him and moved its adoption.

Amendment H-1209 was adopted.

Bacon of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 202)

The ayes were, 94:

Abdul-Samad Baltimore Alons Bacon Baudler Bearinger Berry Byrnes Cohoon Costello Cownie Dawson Dolecheck Fisher Deyoe Drake Forbes Forristall Fry Gaines Gaskill Garrett Gassman Grassley Hagenow Hall Hanson Hanusa Heaton Heddens Hein Hess Highfill Isenhart Huseman Hunter Jacoby Jorgensen Kajtazovic Kaufmann Kearns Kelley Klein Koester Kressig Landon Lensing Lofgren Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. MooreOlson, R. Muhlbauer Murphy Oldson Olson, S. Ourth Pettengill Prichard Rayhons Riding Rogers Ruff Running-Marquardt Schultz Salmon Sands Shaw Sheets Smith, J. Smith, M. Stanerson Steckman Soderberg Staed Stutsman Taylor, R. Taylor, T. Thede Vander Linden Wessel-Kroeschell Thomas Upmeyer Winckler Windschitl Wood Wolfe Worthan Mr. Speaker

The nays were, 2:

Heartsill Watts

Paulsen

Absent or not voting, 4:

Anderson Brandenburg Dunkel

Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 392 WITHDRAWN

Bacon of Story asked and received unanimous consent to withdraw House File 392 from further consideration by the House.

House File 393, a bill for an act relating to the placement of a juvenile on youthful offender status and the prosecution of a juvenile in juvenile or district court, and access to child abuse records by a juvenile court intake officer, was taken up for consideration.

SENATE FILE 288 SUBSTITUTED FOR HOUSE FILE 393

Hess of Clay asked and received unanimous consent to substitute Senate File 288 for House File 393.

Senate File 288, a bill for an act relating to the placement of a juvenile on youthful offender status and the prosecution of a juvenile in juvenile or district court, and access to child abuse records by a juvenile court intake officer, was taken up for consideration.

Hess of Clay offered amendment $\underline{H-1206}$ filed by her and moved its adoption.

Amendment H-1206 was adopted.

Hess of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 288)

The ayes were, 96:

Abdul-Samad Alons Bacon Baltimore
Baudler Bearinger Berry Byrnes
Cohoon Costello Cownie Dawson

Dolecheck Drake Fisher Deyoe Forbes Forristall Fry Gaines Gaskill Garrett Gassman Grassley Hall Hanusa Hagenow Hanson Heartsill Heaton Heddens Hein Highfill Hunter Huseman Hess Isenhart Jacoby Kajtazovic Jorgensen Kaufmann Kearns Kelley Klein Koester Kressig Landon Lensing Lofgren Lundby Lykam Mascher Miller, H. Miller, L. Maxwell McCarthy Muhlbauer Moore Murphy Oldson Olson, R. Olson, S. Ourth Pettengill Prichard Rayhons Riding Rogers Sands Ruff Running-Marquardt Salmon Schultz Shaw Sheets Smith, J. Soderberg Smith, M. Staed Stanerson Steckman Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Wessel-Kroeschell Winckler Windschitl Watts Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 4:

Anderson Brandenburg Dunkel Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 393 WITHDRAWN

Hess of Clay asked and received unanimous consent to withdraw <u>House File 393</u> from further consideration by the House.

House File 454, a bill for an act relating to education by modifying the duties and operations of the department of education, community colleges, the school budget review committee, and local school boards, eliminating a reporting requirement relating to vocational education funds, and including applicability provisions, was taken up for consideration.

Garrett of Warren offered amendment H-1083 filed by him.

Heddens of Story offered amendment $\underline{H-1214}$, to amendment $\underline{H-1083}$, filed by her from the floor and moved its adoption.

Amendment $\underline{H-1214}$, to amendment $\underline{H-1083}$, was adopted.

Garrett of Warren moved the adoption of amendment <u>H-1083</u>, as amended.

Amendment H-1083, as amended, was adopted.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment $\underline{H-1203}$ filed by him on March 25, 2013.

Pettengill of Benton offered amendment $\underline{H-1068}$ filed by her and moved its adoption.

Amendment H-1068 was adopted.

Winckler of Scott offered amendment H-1212 filed by her.

Dolecheck of Ringgold offered amendment $\underline{\text{H-}1216}$, to amendment $\underline{\text{H-}1212}$, filed by him and Winckler of Scott from the floor and moved its adoption.

Amendment H-1216, to amendment H-1212, was adopted.

Winckler of Scott moved the adoption of amendment $\underline{H-1212}$, as amended.

Amendment H-1212, as amended, was adopted.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 454)

The ayes were, 95:

Abdul-Samad	Alons	Bacon	Baltimore
Baudler	Bearinger	Berry	Byrnes
Cohoon	Costello	Cownie	Dawson
Deyoe	Dolecheck	Drake	Fisher
Forbes	Forristall	Fry	Gaines

Gaskill Garrett Gassman Grassley Hagenow Hall Hanson Hanusa Heddens Heaton Hein Hess Highfill Isenhart Hunter Huseman Jacoby Jorgensen Kajtazovic Kaufmann Kearns Kelley Koester Klein Landon Lofgren Kressig Lensing Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Oldson Olson, R. Prichard Olson, S. Pettengill Ourth Rayhons Riding Rogers Ruff Running-Marquardt Salmon Sands Schultz Smith, J. Smith, M. Shaw Sheets Steckman Soderberg Staed Stanerson Stutsman Taylor, R. Taylor, T. Thede Thomas Vander Linden Watts Upmeyer Wessel-Kroeschell Winckler Windschitl Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, 1:

Heartsill

Absent or not voting, 4:

Anderson Brandenburg Dunkel Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 471, a bill for an act relating to the payment of reasonable attorney fees in juvenile court or appellate proceedings relating to a termination of parental rights petition, was taken up for consideration.

Hess of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 471)

The ayes were, 96:

Abdul-Samad Alons Bacon Baltimore
Baudler Bearinger Berry Byrnes
Cohoon Costello Cownie Dawson

Dolecheck Drake Fisher Deyoe Forbes Forristall Fry Gaines Garrett Gaskill Gassman Grassley Hagenow Hall Hanusa Hanson Heartsill Heaton Heddens Hein Highfill Hunter Huseman Hess Isenhart Jacoby Kajtazovic Jorgensen Kaufmann Kearns Kelley Klein Kressig Koester Landon Lensing Lofgren Lundby Lykam Mascher Miller, H. Maxwell McCarthy Miller, L. Moore Muhlbauer Murphy Oldson Olson, R. Olson, S. Ourth Pettengill Prichard Rayhons Riding Rogers Sands Ruff Running-Marquardt Salmon Schultz Shaw Sheets Smith, J. Soderberg Smith, M. Staed Stanerson Steckman Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Windschitl Wessel-Kroeschell Winckler Watts Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 4:

Anderson Brandenburg Dunkel Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 484</u>, a bill for an act relating to boiler inspections and including effective date provisions, was taken up for consideration.

Watts of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 484)

The ayes were, 96:

Abdul-Samad Alons Bacon Baltimore Baudler Byrnes Bearinger Berry Cohoon Costello Dawson Cownie Deyoe Dolecheck Drake Fisher Forbes Forristall Fry Gaines Garrett Gaskill Gassman Grassley

Hall Hagenow Hanson Hanusa Heartsill Heaton Heddens Hein Highfill Hess Hunter Huseman Isenhart Kajtazovic Jacoby Jorgensen Kaufmann Kearns Kelley Klein Landon Lensing Koester Kressig Lundby Lykam Mascher Lofgren Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Oldson Murphy Olson, R. Olson, S. Ourth Pettengill Prichard Rayhons Riding Rogers Ruff Running-Marquardt Salmon Sands Schultz Shaw Sheets Smith, J. Smith, M. Soderberg Stanerson Staed Taylor, T. Steckman Stutsman Taylor, R. Thede Thomas Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 4:

Anderson Brandenburg Dunkel Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 538, a bill for an act relating to the board of parole, was taken up for consideration.

Alons of Sioux offered amendment <u>H-1197</u> filed by him.

Alons of Sioux offered amendment $\underline{H-1207}$, to amendment $\underline{H-1197}$, filed by him and moved its adoption.

Amendment $\underline{H-1207}$, to amendment $\underline{H-1197}$, was adopted.

Alons of Sioux moved the adoption of amendment $\underline{H-1197}$, as amended.

Amendment $\underline{\text{H-}1197}$, as amended, was adopted, placing out of order amendment $\underline{\text{H-}1176}$ filed by Alons of Sioux on March 18, 2013.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 538)

The ayes were, 96:

Abdul-Samad Alons Bacon Baltimore Baudler Bearinger Berry Byrnes Cohoon Costello Cownie Dawson Deyoe Dolecheck Drake Fisher Forbes Forristall Fry Gaines Garrett Gaskill Gassman Grassley Hall Hanusa Hagenow Hanson Heartsill Heaton Heddens Hein Hess Highfill Hunter Huseman Isenhart Jacoby Kajtazovic Jorgensen Kaufmann Kearns Kelley Klein Koester Kressig Landon Lensing Lofgren Lundby Lykam Mascher McCarthy Miller, H. Miller, L. Maxwell Moore Muhlbauer Murphy Oldson Pettengill Olson, R. Olson, S. Ourth Prichard Rogers Rayhons Riding Sands Ruff Running-Marquardt Salmon SchultzSheets Smith, J. Shaw Smith, M. Soderberg Staed Stanerson Steckman Stutsman Taylor, R. Taylor, T. Thomas Thede Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 4:

Anderson Brandenburg Dunkel Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

<u>House File 544</u>, a bill for an act relating to the Iowa veterans home and providing for the consideration of contributions to support as repayment receipts, was taken up for consideration.

Costello of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 544)

The ayes were, 95:

Abdul-Samad Alons Bacon Baltimore Baudler Bearinger Byrnes Cohoon Costello Cownie Dawson Deyoe Dolecheck Drake Fisher Forbes Garrett Forristall FryGaines Gaskill Gassman Grassley Hagenow Hall Heartsill Hanson Hanusa Heaton Heddens Hein Hess Highfill Hunter Huseman Isenhart Jacoby Kajtazovic Kaufmann Jorgensen Kearns Kelley Klein Koester Kressig Landon Lensing Lofgren Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Oldson Olson, R. Prichard Pettengill Olson, S. Ourth Rayhons Riding Rogers Ruff Running-Marquardt Salmon Sands Schultz Smith, M. Smith, J. Shaw Sheets Soderberg Staed Stanerson Steckman Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 5:

Anderson Berry Brandenburg Dunkel

Olson, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Cerro Gordo asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 454, 471, 484, 538, 544 and Senate Files 202 and 288.

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Anderson of Polk Brandenburg of Pottawattamie

Dunkel of Dubuque T. Olson of Linn

HOUSE FILE 597 REFERRED

The Speaker announced that <u>House File 597</u>, previously placed on the **calendar** was referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENTS

House File 584

Ways and Means: Baltimore, Chair; Moore and Thomas.

Senate File 304

Public Safety: Worthan, Chair; Kressig and Sands.

Senate File 393

Human Resources: Forristall, Chair; Fry and Wessel-Kroeschell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 229

Appropriations: Heaton, Chair; Heddens and Koester.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk:

CARMINE BOAL Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 280), relating to the war orphans educational assistance fund by transferring the moneys in the fund to the veterans trust fund and transferring duties for providing educational assistance to orphaned children of veterans to the commission on veterans affairs.

Fiscal Note: No

Recommendation: Amend and Do Pass March 26, 2013.

Committee Bill (Formerly House Study Bill 221), appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and including effective date and retroactive applicability provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

COMMITTEE ON COMMERCE

Senate File 182, a bill for an act relating to credit for reinsurance, including transition, applicability, and effective date provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

Senate File 189, a bill for an act relating to a risk management framework for insurers and insurance groups and including penalty and applicability provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

COMMITTEE ON EDUCATION

Senate File 332, a bill for an act related to the administration of the national guard educational assistance program.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

Senate File 338, a bill for an act requiring background checks for school employees.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

COMMITTEE ON JUDICIARY

Senate File 142, a bill for an act providing that certain activities relating to business opportunity promotions are unlawful practices punishable as consumer fraud and making a penalty applicable.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

Senate File 362, a bill for an act relating to the use of the term relative in child in need of assistance and termination of parental rights proceedings.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 473), relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

Committee Bill (Formerly House File 581), relating to the licensure of ambulatory surgical centers, providing for fees to be considered repayment receipts, providing penalties, and including effective date provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

Committee Bill (Formerly House File 585), relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions.

Fiscal Note: No

Recommendation: Do Pass March 26, 2013.

RESOLUTION FILED

H.R. 33, by Heartsill, a resolution recognizing Knoxville as the birthplace of the Iowa State Flag.

Laid over under Rule 25.

AMENDMENTS FILED

<u>H-1213</u>	H.F.	<u>590</u>	Dawson of Woodbury
<u>H-1214</u>	H.F.	454	Heddens of Story
<u>H-1215</u>	H.F.	<u>587</u>	Pettengill of Benton
<u>H-1216</u>	H.F.	454	Dolecheck of Ringgold
			Winckler of Scott
<u>H-1217</u>	H.F.	<u>567</u>	Alons of Sioux
<u>H-1218</u>	S.F.	427	Pettengill of Benton
<u>H-1219</u>	H.F.	499	Fisher of Tama

On motion by Upmeyer of Cerro Gordo, the House adjourned at 3:34 p.m., until 8:30 a.m., Wednesday, March 27, 2013.